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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,197	08/18/2003	Youichi Hidaka	MA-581-US	1118
21254 7590 11/06/2009 MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817				
			EXAMINER WALSH, JOHN B	
			ART UNIT 2451	PAPER NUMBER
			MAIL DATE 11/06/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/642,197

Applicant(s)

HIDAKA ET AL.

Examiner

John B. Walsh

Art Unit

2451

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 9-16 and 18-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7, 9, 10 and 20 is/are allowed.
- 6) ☒ Claim(s) 11-16, 18 and 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 11- 16, 18 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,526,056 to Rekter et al.

As concerns claim 11, a frame transfer method of the node to relay an Ethernet frame comprising: receiving an Ethernet-like frame in said node (column 7, line 46-Ethernet protocol; col. 7, lines 60-62-other protocol); said frame comprising as modified such that network control information can selectively be stored to a VLAN tag (col. 3, lines 46-47-tags) and said network control information not being restricted to a 64-byte minimum frame size restriction of network control information, as defined by a standard of said Ethernet ("selectively" stored to not be restricted by 64 byte size, thus "selectively" covers not storing the control information to be restricted; col. 8, lines 15-20-tag as twenty bits, tag is associated with "network control information" and is less than 64 byte); inserting two or more VLAN tags to said Ethernet frame at a time (column 4, lines 64-66) or removing said inserted VLAN tags; and forwarding said Ethernet frame (abstract).

As concerns claim 12, a frame transfer method as set forth in claim 11 wherein a forwarding table memory (column 9, lines 5-6) for frame contents change during frame relay is used for administration of said two or more VLAN tags.

As concerns claim 13, a frame transfer method as set forth in claim 11 wherein a forwarding table memory (column 9, lines 5-6) is searched during frame relay using the information from two or more VLAN tags in said frame.

As concerns claim 14, further comprising element which searches the forwarding table memory (column 9, lines 5-6) in the relay process of said frame with a combination of an information from two or more VLAN tags in said frame and an input port (column 5, line 5), a destination MAC address (column 7, line 52), a source MAC address (column 7, line 53) and a TYPE field information (column 7, line 55).

As concerns claim 15, further comprising element which provides a TTL area (column 8, line 24) to show the survival time of the frame in said VLAN tag inserted to said frame and checks whether said survival time has elapsed or not by the value in said TTL area and discards said frame after elapse of said survival time without relaying it in the relay process of said frame.

As concerns claim 16, further comprising element which decrements the value in said TTL area (column 37, lines 36-44) by one every time said frame is relayed.

As concerns claim 18, further comprising element which changes a self-node status administration corresponding to the content of said VLAN tag (column 7, line 66-column 8, line 14).

As concerns claim 19, wherein the node status is stored to the area of said VLAN tag in the relayed frame corresponding to the self-node status (figures 1 and 2).

Allowable Subject Matter

3. Claims 1- 7, 9, 10 and 20 are allowed.

Response to Arguments

4. Applicant's arguments concerning claim 11 have been fully considered but they are not persuasive. The applicant argues claims 11-16, 18 and 19 recite similar features to claims 1-7, 9 and 10 and therefore the prior art rejection should be traversed in view of the arguments for claims 1-7, 9 and 10. Claim 11 is different in scope to claim 1 and therefore the arguments for claim 1 do not apply to claim 11. For example, claim 11 recites "inserting two or more VLAN tags to said Ethernet frame at a time or removing said inserted VLAN tags" (emphasis added). Claim 1 does not recite this alternative term and requires both limitations be satisfied. It is unclear what claim amendments to claim 11 render the rejection moot.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892. USPN 6,058,419 teaches network control information not restricted to a particular size.
6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John B. Walsh whose telephone number is 571-272-7063. The examiner can normally be reached on Monday-Thursday from 8:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John B. Walsh/
Primary Examiner, Art Unit 2451